

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
 :
 v. :
 :
TERRY LEE BETHEA :

1:12CR443-1

FACTUAL BASIS

NOW COMES the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Federal Rules of Criminal Procedure, states the following:

On June 18, 2012, around 10:00 pm a black male armed with a handgun entered a Subway restaurant in Winston-Salem. There were two employees and no customers in the restaurant. The black male, later identified as TERRY LEE BETHEA (BETHEA), grabbed Ms. Janette Apreza Sanchez, one of the employees, and took her to the dishwashing area, where Mr. Alfredo Rodriguez, the other employee, was located. BETHEA then pointed the gun at Mr. Rodriguez and forced him to the cash register at the front of the restaurant. BETHEA told Ms. Sanchez to stand by the corner and turn around to face the wall.

BETHEA ordered Mr. Rodriguez to open the cash register and place the money into a Subway bag. Mr. Rodriguez placed all types of denominations of bills and coins into the bag. Many of the coins

were in coin wrappers. The owner of the store later reported the total amount taken to be \$378.38.

BETHEA then ordered both employees to go out the back of the business. BETHEA exited the front of the business. Mr. Rodriguez went back inside the business, went to the front of the store, and called 911. Mr. Rodriguez was able to provide a description of BETHEA, the black Jeep that BETHEA was driving, and BETHEA's direction of travel to the 911 operator.

Shortly after the robbery, Officer Fenimore of the Winston-Salem Police Department (WSPD) saw a dark colored Jeep Cherokee that matched the description given by Mr. Rodriguez driving in the area. Officer Fenimore followed the Jeep for a short distance, before the Jeep made a sudden turn into a driveway. BETHEA was the driver and lone occupant. Officer Fenimore activated his blue lights and ordered BETHEA to show his hands. As BETHEA was ordered to exit the vehicle, Sgt. Lentz saw a handgun sticking out of the suspect's right front pants pocket. On the front passenger seat of the vehicle, officers found a Subway bag filled with U.S. currency totaling \$368.50, a tan ball cap and a mask.

BETHEA was transported to the WSPD where he was advised of his Miranda rights. BETHEA waived his Miranda rights and agreed to speak with Detective Bowen. BETHEA then gave a detailed confession

admitting to robbing the Subway restaurant with a handgun. The interview was audio and video recorded.

The firearm BETHEA used to rob the Subway restaurant is a Smith & Wesson, model 469, 9mm handgun, serial number A854049. This handgun was test-fired and found to be in operable condition.

The Subway restaurant that BETHEA robbed was engaged in interstate commerce

This the 30th day of January, 2013.

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2013, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

William S. Trivette, Esquire.

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